

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID TARABOCHIA,

Petitioner,

v.

DOUG WADDINGTON,

Respondent.

Case No. C05-5516RJB

ORDER REQUESTING
ADDITIONAL STATE COURT
RECORDS

This matter is before the Court on petitioner's petition for writ of *habeas corpus* pursuant to 28 U.S.C. § 2254. Respondent has filed an answer to petitioner's petition. (Dkt. #18). For the reasons set forth below, however, the court requests additional briefing from respondent regarding one of the grounds for requesting *habeas corpus* relief raised by petitioner.

In his petition, two of the grounds for requesting federal *habeas corpus* relief petitioner raises is that he was denied his right to present an allocution at a pre-sentence revocation hearing and to present a defense to mitigate his sentence at his sentencing hearing. See Petition, grounds one and three. However, it does not appear that the Court has the full transcript of petitioner's sentencing hearing. Before the Court can rule on petitioner's petition, therefore, it requires a complete copy of that transcript.

Accordingly, the Court requests respondent file a complete copy of the transcript of petitioner's sentencing, along with any other relevant state court records concerning that hearing and the pre-sentence

1 revocation hearing not already filed with the Court, by **no later than February 23, 2006**. In addition, the
2 Clerk shall re-note petitioner's petition for consideration on **March 11, 2006**.

3 The Clerk shall send a copy of this Order to petitioner and counsel for respondent.

4 DATED this 23rd day of January, 2006.

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8 Karen L. Strombom
9 United States Magistrate Judge
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